

SENATE RECORD VOTE ANALYSIS

106th Congress
1st Session

Vote No. 138

May 20, 1999, 7:17 p.m.
Page S-5709 Temp. Record

JUVENILE JUSTICE/Accountability for Movies' Effects on Children

SUBJECT: Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act of 1999 . . . S. 254. Bond modified amendment No. 345.

ACTION: AMENDMENT REJECTED, 41-56

SYNOPSIS: As introduced, S. 254, the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act of 1999, will modernize Federal grant programs that give aid to State and local governments for juvenile law enforcement and juvenile crime prevention efforts. Approximately \$1 billion per year for the next 5 years will be authorized for those grant programs. Also, \$100 million annually will be authorized for joint Federal-State-local efforts to address gang-related juvenile crime.

The Bond modified amendment would create a commission to study the motion picture industry and to make recommendations to Congress and the President to promote accountability in that industry in order to reduce juvenile access to violent, pornographic, or other harmful material in motion pictures. The commission would assess the following: how the Federal, State, and local governments, through their taxing power or otherwise, subsidize, facilitate, or otherwise reduce the cost to the motion picture industry of producing violent, pornographic, or other harmful materials, and any changes that might curtail such assistance; how the motion picture industry markets its products to children and how such marketing could be regulated; what standard of civil and criminal liability currently exists for the products of the motion picture industry and what standards would be sufficient to permit victims of such products to seek legal redress when the content of such products causes, exacerbates, or otherwise influences destructive behavior; whether Federal regulation of the content of motion pictures is appropriate; and what other actions the Federal Government might take to reduce the quantity of and access to motion pictures containing violent, pornographic, or other harmful materials.

Those favoring the amendment contended:

Thirty years ago we had very few gun laws and no high school shooting sprees. Thirty years ago, we also had stricter discipline in schools, no school officials worried about lawsuits if they expelled a violent child, and parents who exerted more control. Perhaps

(See other side)

YEAS (41)			NAYS (56)			NOT VOTING (3)	
Republicans (38 or 70%)		Democrats (3 or 7%)	Republicans (16 or 30%)		Democrats (40 or 93%)	Republicans (1)	Democrats (2)
Allard	Hatch	Byrd	Abraham	Akaka	Johnson	McCain ⁻²	Hollings ⁻²
Ashcroft	Helms	Kohl	Brownback	Baucus	Kennedy		Landrieu ⁻²
Bennett	Hutchison	Rockefeller	Collins	Bayh	Kerrey		
Bond	Inhofe		Gramm	Biden	Kerry		
Bunning	Kyl		Grams	Bingaman	Lautenberg		
Burns	Lott		Gregg	Boxer	Leahy		
Campbell	Lugar		Hagel	Breaux	Levin		
Chafee	McConnell		Hutchinson	Bryan	Lieberman		
Cochran	Murkowski		Jeffords	Cleland	Lincoln		
Coverdell	Roberts		Mack	Conrad	Mikulski		
Craig	Roth		Nickles	Daschle	Moynihan		
Crapo	Sessions		Santorum	Dodd	Murray		
DeWine	Shelby		Smith, Gordon	Dorgan	Reed		
Domenici	Smith, Bob		Snowe	Durbin	Reid		
Enzi	Specter		Thompson	Edwards	Robb		
Fitzgerald	Stevens		Voinovich	Feingold	Sarbanes		
Frist	Thomas			Feinstein	Schumer		
Gorton	Thurmond			Graham	Torricelli		
Grassley	Warner			Harkin	Wellstone		
				Inouye	Wyden		
						EXPLANATION OF ABSENCE:	
						1—Official Business	
						2—Necessarily Absent	
						3—Illness	
						4—Other	
						SYMBOLS:	
						AY—Announced Yea	
						AN—Announced Nay	
						PY—Paired Yea	
						PN—Paired Nay	

Compiled and written by the staff of the Republican Policy Committee—Larry E. Craig, Chairman

most importantly, we did not have an "entertainment" industry that aggressively marketed inhumanely sadistic films to our children. Now we have dozens and even hundreds of new restrictions on guns piled on top of each other each year at the Federal, State, and local levels of government, and every year students have become more callously violent. Now they have started to go on murderous killing sprees, often in schools. The answer, for liberals, is more gun laws. For them, the National Rifle Association (NRA) is to blame for defending the right to keep and bear arms, and they imagine that if it were not for the supposed political clout of this organization there would be no more school shootings.

Our liberal colleagues are living in a simplistic fantasy world. The shootings do not stem from political clout (and our colleagues vastly overstate the NRA's influence in that respect), but from cultural clout. In real life, the NRA's influence on the culture that is spawning the violence is non-existent. In real life, it is our liberal colleagues' generous political ally, Hollywood, that exercises both tremendous political and cultural clout. In real life, Hollywood provides millions of dollars to liberals, and liberals then excuse any filth that is peddled by Hollywood to children. No accountability is required, despite decades of social science research that proves the influence that violent and other offensive media have on impressionable children and teens. In recent years, Hollywood has produced horrifically violent films that show realistic and sadistic portrayals of human torture and slaughter, and it has aggressively marketed those films to young people. Many of its horror films, in fact, are aimed primarily at junior high school kids. Children are become numb to the normal human emotions of empathy for victims of violence and to the natural revulsion that people feel when they see carnage.

Tragically, the fantasy-land violence glorified by amoral Hollywood liberals is causing real-life atrocities. A student in Kentucky who went on a school shooting spree was inspired by a scene in "The Basketball Diaries" of a student gunning down his classmates. A "Magnum Force" vignette of murder-by-Drano was reenacted in Utah. Just days after the premiere of the movie "Money Train," two token-booth thieves copied its portrayal of the incineration of the clerk inside. "RoboCop" gave ideas to two killers, each of whom admitted that they copied their human evisceration methods from the film. The "Child's Play" horror film series caused a number of murders, including the stoning to death of a 2-year-old by two 10-year-olds, the burning to death of a 16-year-old girl whose murderers played lines of dialogue to her from the films as she was being tortured, and 35 murders in Tasmania by one person who was obsessed with the films. The film "Natural Born Killers" has also spawned a rash of sadistic murders in which the perpetrators have admitted that they were inspired by the film. Murders based on that film have occurred in Louisiana, Utah, Georgia, Massachusetts, and Texas (where a 14-year-old boy decapitated a 13-year-old girl).

Liberals have said they oppose this amendment because they want to protect the free-speech rights of Hollywood to express itself. They have said that the Government should not be regulating the content of speech. In response, we note that many of these very same Senators last year argued vociferously for a ban on all tobacco advertising because it might be seen by children. However, when it is their Hollywood pals who are trying to make millions by peddling gore to children and teens, knowing full well that children and teens are impressionable and that some are going to commit evil acts in imitation, then it is just about free speech, and the answer is just not to watch. That is a heartless response to the family of the 13-year-old girl who was decapitated in Texas. That is a heartless response to the 16-year-old girl who was burned alive by Child's Play horror movie fans. The constitutional answer, as every Senator knows, is that the free speech right is not absolute. It can be limited when it is curbing objectionable material such as pornography; greater restrictions can be imposed when it applies to commercial speech; much greater limits can be imposed when the object is to protect children. In this case, all three of those limits apply.

The only other real argument raised against this amendment is that it would call on the commission to study whether tax laws currently give tax breaks that encourage the production of offensive films and to study ways in which objectionable material could be taxed. Our colleagues claim that any tax laws based on objectionable content would be impossible to devise because they would be too subjective. In response, it is certainly unusual to hear many of this amendment's opponents say that they are in any way confused about ways in which a new tax could be imposed. Further, we doubt very much that they are worried that it could not be done. Instead, they are worried that it could, and, therefore, they very much want to stop us from creating this commission. They want to protect their rich Hollywood friends. We want to protect victims and their families from sadistic murderers who have been created by Hollywood filth. If our colleagues are on the side of victims and their families, they should support this amendment.

Those opposing the amendment contended:

This amendment is constitutionally objectionable. It suggests studying whether movies could be taxed based on whether they contain "harmful material." What is harmful material is a pretty subjective judgment that varies across the country. Had this authority existed when "Gone With the Wind" came out, we imagine many communities would have decided to tax Clark Gable's line, "Frankly my dear, I don't give a damn." We suppose in some towns and cities, that tax might have been avoided by an editing decision to have him say "I'm really annoyed." Amazingly, this amendment would even charge the proposed commission with studying whether the Government should regulate the content of movies. Are we in the old Soviet Union? We do not need a commission to tell us that it is a horrendous idea to create a Government censorship board to decide what may or may not be put into movies. The answer in a democracy is very simple--if a film offends you, do not watch. This bill already contains a couple of studies of the entertainment industry. Now our colleagues want us to add a third. The Bond amendment should be rejected.